

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARCUS HILLIARD,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-01144
)	
NATIONAL BOARD OF MEDICAL)	Hon. Martha M. Pacold
EXAMINERS,)	
)	
Defendant.)	
)	

**MOTION TO DISMISS SECOND AMENDED COMPLAINT BY
DEFENDANT NATIONAL BOARD OF MEDICAL EXAMINERS**

Defendant National Board of Medical Examiners (“NBME”) hereby moves to dismiss the Americans with Disabilities Act claim asserted against NBME in the Second Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction, on the grounds that Plaintiff Marcus Hilliard (“Mr. Hilliard”) lacks standing to assert this claim against NBME. In the alternative, NBME moves to dismiss the claim pursuant to Fed. R. Civ. P. 12(b)(6) because it is barred by the two-year statute of limitations.

The grounds for this motion are set forth more fully in the accompanying memorandum of law.

Counsel for NBME conferred with counsel for Plaintiff on May 10, 2022. Plaintiff opposes this motion. NBME and Mr. Hilliard have agreed to the following briefing schedule:

Plaintiff’s Opposition due June 6, 2022

NBME’s Reply due June 24, 2022

Wherefore, NBME requests that the claim asserted against it in the Second Amended Complaint be dismissed.

Dated: May 10, 2022

Respectfully submitted,

/s/ Caroline M. Mew

Caroline M. Mew, *pro hac vice*
Perkins Coie LLP
700 13th St. NW, Suite 800
Washington, DC 20005-3960
Tel: (202) 654-1767
cmew@perkinscoie.com

Jillian Sommers, IL Bar No. 6317803
Perkins Coie LLP
131 S. Dearborn St., Suite 1700
Chicago, IL 60603-5559
Tel: (312) 324-8587
jsommers@perkinscoie.com

Attorneys for National Board of Medical Examiners

CERTIFICATE OF SERVICE

On this date I caused a copy of the foregoing document to be served on each of the attorneys identified below via CM/ECF:

Cynthia M. Rote
Integrate Legal PC
12533 Wagon Wheel Road
Rockton, IL 61072
Email: Cynthia@integrate-Legal.com

Attorney for Marcus Hilliard

Kirsten Milton
Monica H. Khetarpal
Jackson Lewis P.C.
150 N. Michigan Ave., Suite 2500
Chicago, IL 60601
Kirsten.milton@jacksonlewis.com
Monical.khetarpal@jacksonlewis.com

Dated: May 10, 2022

Respectfully submitted,

/s/ Caroline M. Mew
Caroline M. Mew, *pro hac vice*
Perkins Coie LLP
700 13th St. NW, Suite 800
Washington, DC 20005-3960
Tel: (202) 654-1767
cmew@perkinscoie.com

Jillian Sommers, IL Bar No. 6317803
Perkins Coie LLP
131 S. Dearborn St., Suite 1700
Chicago, IL 60603-5559
Tel: (312) 324-8587
jsommers@perkinscoie.com

Attorneys for National Board of Medical Examiners